



State of California
Respiratory Care Board
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Inquiry: What devices need to be set up by a licensed Respiratory Therapist or need to be followed by an RT?

Response: The January 2002 issue of the Respiratory *Update* quotes sections 109948 and 109948.1 of the Health and Safety Code wherein (home medical devices) are listed as follows:

- (1) Oxygen delivery systems and prefilled cylinders.
- (2) Ventilators.
- (3) Continuous Positive Airway Pressure devices (CPAP).
- (4) Respiratory disease management devices.
- (5) Hospital beds and commodes.
- (6) Electronic and computer driven wheelchairs and seating systems.
- (7) Apnea monitors
- (8) Low air loss continuous pressure management devices.
- (9) Transcutaneous Electrical Nerve Stimulator (TENS) units.
- (10) Prescription devices.
- (11) Disposable medical supplies including, but not limited to, incontinence supplies as defined in Section 14125.1 of the Welfare and Institutions Code.
- (12) In vitro diagnostic tests.
- (13) Any other similar device as defined in regulations adopted by the department.

Items numbered 1, 2, 3, 4, 7, and 8 and in some cases items numbered 10 and 13 are associated with the practice of Respiratory Care. Therefore, set-up or application of these devices to a patient or the instruction in the use of the equipment **for the purpose of deriving an intended medical benefit** must be performed by a licensed Respiratory Care Practitioner or other qualified licensed persons authorized by their respective licensing statute to practice respiratory care. This does not prohibit unlicensed persons from setting up or instructing in the use of the equipment if it is not done for the purpose of deriving an intended medical benefit and is solely restricted to the operation of the equipment (i.e. pointing out locations of switches, filters, etc.). In order to ensure unlicensed personnel are performing legally, any discussion or communication with a patient or caregiver of a prescription or medical condition, in any manner, should be prohibited to safeguard against false accusations of practicing unlawfully and to prevent a patient or caregiver's misperception that unlicensed personnel are qualified to offer medical advice or instruction. If a patient or caregiver initiates such discussion the unlicensed personnel should immediately refer the caregiver or patient to a Respiratory Care Practitioner or other qualified licensed personnel on staff. Unlicensed persons are prohibited from practicing respiratory care in the State of California.

The American Association for Respiratory Care has developed some clinical practice guidelines for specific education for patient discharged from acute care facilities or

general respiratory care education. Their address is listed below. For regulations regarding the appropriate clinical follow-up and monitoring, the Board also recommends you contact the Department of Health Services. Their address is also listed below.

American Association for Respiratory Care (AARC)
11030 Ables Lane
Dallas, TX 75229

Department of Health Services (DHS)
714 / 744 "P" Street
Sacramento, CA 95814
(916) 445-4171

Reference # 2002-C-06